



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> July 7, 2006 <b>LOCAL EFFECTIVE DATE</b> July 22, 2006 <b>APPROX FINAL EFFECTIVE DATE</b> August 12, 2006	<b>CONTACT/PHONE</b> Mike Wulkan, Project Planner 805-781-5608	<b>APPLICANT</b> Mark and Sally DiMaggio	<b>FILE NO.</b> DRC2005-00094
<b>SUBJECT</b> Request by Mark and Sally DiMaggio for a Minor Use Permit/Coastal Development Permit to allow the keeping of three horses on approximately 0.75 acres of an existing meadow, including a fenced, approximately 0.5-acre grazing area, and development of the following associated facilities: a partially covered, approximately 1,150 square-foot paddock, two 120 square-foot sheds for tack and feed, a 30-foot diameter, fenced riding round pen, a 400 square-foot covered compost area, a water well, a 5,000 gallon water tank, and an approximately 50-foot long driveway. The project will result in the disturbance of approximately 0.75 acres of an approximately 3.85-acre parcel. The proposed project is within the Residential Suburban land use category and is located on the east side of the intersection of Burton Drive and Village Lane in the community of Cambria. The site is in the North Coast Planning Area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Permit DRC2005-00094 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 and 4 Categorical Exemption was issued on June 2, 2006 (ED05-469)			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> LCP, SRA--ESHA (Terrestrial Habitat), Geologic Study Area, Archaeologically Sensitive Area	<b>ASSESSOR PARCEL NUMBER</b> 013,151,041	<b>SUPERVISOR DISTRICT:</b> 2
<b>PLANNING AREA STANDARDS:</b> Residential Suburban #1: Limitation on Use <i>Does the project meet applicable Planning Area Standards? Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Sections: 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone); 23.05.034c: Grading Standards (ESHA); 23.07.104: Archaeologically Sensitive Area; 23.07.120: Local Coastal Program; 23.07.160 et seq.: Sensitive Resource Area; 23.07.170 et seq.: Environmentally Sensitive Habitat; 23.08.046: Animal Raising and Keeping, Maintenance and Operational Standards; 23.08.041: Agricultural Accessory Structures <i>Does the project conform to the Coastal Zone Land Use Ordinance Standards? Yes - see discussion.</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban, Commercial Service/vacant, hardware store and commercial service uses <i>East:</i> Residential Suburban/single family residence <i>South:</i> Residential Multi-Family/vacant <i>West:</i> Recreation/vacant/Cambria Pines Lodge	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Cambria Community Services District, Regional Water Quality Control Board, and the California Coastal Commission.	
TOPOGRAPHY: Relatively level to steeply sloping	VEGETATION: Pine forest and meadow
PROPOSED SERVICES: Water supply: On-site agricultural well Sewage Disposal: None Fire Protection: Cambria Fire	ACCEPTANCE DATE: February 6, 2006

## DISCUSSION

### BACKGROUND:

In late 2004, the applicant submitted a request to allow grazing of less than four horses on this site, as well as construction of several, small associated structures, a water tank, and a water well for irrigation purposes only. In November 2004, staff responded that the proposed grazing would be allowable, and that a Zoning Clearance would be required for the proposed sheds. With regard to the proposed water well, staff advised that drilling a well could be problematic within the boundaries of the Cambria Community Services District, that the applicant should contact the Services District and the County Environmental Health Department, and that a Plot Plan or Minor Use Permit would be required for the well, depending upon its location with respect to the pine forest.

The applicant subsequently applied for a Zoning Clearance for the proposed structures, but staff informed him that the project first needed to be reviewed by the Department's Management Team, because it involved development within an Environmentally Sensitive Habitat (ESHA). The Management Team determined that the proposal requires approval of a Minor Use Permit, and in a letter dated April 14, 2005), staff informed the applicant that a Minor Use Permit is needed.

The applicant appealed the Planning Director's determination that a Minor Use Permit is needed for the proposed project. The Planning Commission considered the applicant's appeal on August 11 and September 22, 2005, and at the latter hearing, upheld the appeal by determining that a Zoning Clearance is needed for the proposed keeping of horses and associated structures, and a Plot Plan is needed for the future agricultural well. The Planning Commission determined that the mapped boundary of the forest edge is interpreted to exclude the area of proposed development within the meadow, based on the findings of the staff biologist and the applicant's proposals to include in the project measures to protect the forest and water quality.

Following the Planning Commission's decision, Tarren Collins filed an appeal of that decision to the Board of Supervisors. In addition, staff notified the Coastal Commission of the Planning Director and Planning Commission decisions. However, the applicant decided that it was in his

best interest to avoid further delay and a potential appeal to the Coastal Commission, and in November 2005 submitted an application for a Minor Use Permit. After the Minor Use Permit application was submitted, Tarren Collins withdrew her appeal to the Board of Supervisors.

#### COASTAL ZONE LAND USE ORDINANCE STANDARDS:

##### ***Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone)***

The project is appealable to the Coastal Commission because the site is within a mapped Environmentally Sensitive Habitat Area (ESHA).

##### ***Section 23.05.034c: Grading Adjacent to Environmentally Sensitive Habitats***

The proposed project is consistent with the intent of this standard that generally requires that grading shall not occur within 100 feet of any ESHA, for the following reasons: 1) the proposed development and grazing is considered to be outside of the area of the sensitive resource, according to the Planning and Building Department's staff biologist (see attached memo from Julie Eliaison, Environmental and Resource Management Division, September 7, 2005), 2) the only earth movement that could occur would result from the proposed driveway crossing of an existing man-made berm in the street right-of-way that was constructed to help control drainage, and the amount of such earth movement would be minimal, and 3) the driveway crossing of the existing berm is at least 50 to 75 feet from the closest pine trees, which are located upslope from the driveway where they would not be affected by site disturbance.

##### ***Section 23.07.104: Archaeologically Sensitive Area***

A preliminary site survey is required prior to the issuance of a land use or construction permit in order to determine the likelihood of the existence of resources. In the event archaeological resources are discovered during construction, construction activities shall cease and the other standards specified in Section 23.05.140 shall apply. Central Coast Archaeology, a qualified professional consultant, conducted a Phase I Archaeological Surface Survey on January 17, 2006. The survey did not find evidence of cultural resources, and concluded that no additional archaeological investigation is needed. The Conditions of Approval require that in the event that archaeological resources are discovered during construction, construction activities shall cease, and the Planning and Building Department (and in the event of human remains, the County coroner) shall be notified so that resources can be recorded and their disposition handled in accordance with state and federal law. Therefore, as conditioned, the project complies with this standard.

##### ***Section 23.07.120: Local Coastal Program***

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

##### ***Sections 23.07.160 et seq.: Sensitive Resource Area, 23.07.170 et seq.: Environmentally Sensitive Habitat***

The applicable standards generally require that the proposed project: 1) will not disturb sensitive trees and vegetation identified by the Sensitive Resource Area (SRA), 2) will not cause a significant negative impact on the sensitive habitat, and will be consistent with the biological continuance of the habitat, 3) will not significantly disrupt the habitat, and 4) will protect rare or endangered vegetation or vegetation that provides habitat for rare or endangered species, and will minimize habitat disruption, with emphasis on protecting the entire ecological community. These standards generally implement the coastal plan policies dealing with Environmentally Sensitive Habitats (see the following discussion under "Coastal Plan Policies"). As detailed in the discussion of those coastal plan policies, the proposed project is consistent with these SRA and ESHA standards, because the meadow is highly disturbed and not native to the pine forest

ecosystem, the proposed development and grazing are considered to be outside of the area of the sensitive resource, no trees will be removed (except for a dead one), and several measures are included in the conditions of approval to protect the forest and water quality.

**Section 23.08.041: Agricultural Accessory Structures**

The proposed project is consistent with these standards, because the proposed agricultural accessory structures will be located on non-prime soils (Class III, non-irrigated), will be set back at least 50 feet from the right-of-way of Village Lane, and are authorized together with the principal use on this smaller-than-10-acre parcel by this Minor Use Permit/Coastal Development Permit.

**Section 23.08.046: Animal Raising and Keeping, Maintenance and Operational Standards**

The proposed project is consistent with these standards, including the standards in Section 23.08.046c to maintain the site and animal enclosures in a sanitary manner to control odor and vectors, to prevent sedimentation and pollution of public roads, drainages and adjacent properties, and to comply with Coastal Zone Land Use Ordinance noise standards, because the project design and conditions of approval will assure compliance with these standards. In addition, the proposed project is consistent with required maximum density of three horses per acre in the Residential Suburban land use category (the maximum number of horses is 12; three are proposed).

**COASTAL PLAN POLICIES:**

The project is consistent with the Local Coastal Plan. The most relevant policies follow.

Shoreline Access: ☒ Policy No. 2: New Development

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats:

☒ Policy No. 1: Land Uses Within or Adjacent to Environmentally Sensitive Areas

☒ Policy No. 29: Protection of Terrestrial Habitats

☒ Policy No. 30: Protection of Native Vegetation

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: ☒ Policy 12: Agricultural Practices

Visual and Scenic Resources: ☒ Policy 2: Site Selection for New Development

Hazards: N/A

Archaeology: ☒ Policy 1: Protection of Archaeological Resources  
Policy 4: Preliminary Site Survey

Air Quality: N/A

**COASTAL PLAN POLICY DISCUSSION:**

**Shoreline Access**

Policy 2, New Development: The proposed project is consistent with this policy that new development provide maximum public access from the nearest public roadway to and along the shoreline, with exceptions, because the site is not between the first public road and the shoreline, and the project will not interfere with public access to the coast.

***Environmentally Sensitive Habitats***

Policy 1, Land Uses Within or Adjacent to Environmentally Sensitive Areas: The areas to be developed with structures and used for the keeping of horses are within a mapped ESHA--Terrestrial Habitat for the Monterey pine forest. This proposal will not significantly disrupt the sensitive resource, consistent with Policy 1, for the following reasons given by the Planning and Building Department's staff biologist (see attached memo from Julie Eliaison, Environmental and Resource Management Division, September 7, 2005):

- The meadow is highly disturbed and not native to the pine forest ecosystem, and fire department-required mowing of the meadow maintains that situation.
- The meadow is not completely surrounded by forest.
- The forest does not appear to be extending into the meadow, which has a well-defined edge between it and the woodland.
- Several measures are included in conditions of approval to protect the forest and water quality.

Policy 1 also requires that within an existing resource, only those uses dependent on the resource are allowable. In this case, although the proposed use is not dependent on the resource, based on the staff biologist's investigation, the mapped ESHA-TH can follow the outline of the pine forest boundary and exclude the meadow area where development and grazing is proposed, provided that several measures (required by the conditions of approval) are implemented to minimize potential negative impacts to the pine forest and Santa Rosa Creek. Therefore, the proposed development and grazing are considered to be outside of the area of the sensitive resource.

Policy No. 29: Protection of Terrestrial Habitats: This policy states that development adjacent to ESHA is to prevent impacts that would significantly degrade such areas, and shall be compatible with continuance of the habitat. In addition, only uses that are dependent on the sensitive resource are allowable within the sensitive portion of the site. As described in the preceding discussion under Policy 1, the proposed project will not significantly degrade the resource, the forest will be protected through measures required in the conditions of approval, and the proposed development and grazing are considered to be outside of the area of the sensitive resource.

Policy No. 30: Protection of Native Vegetation: The proposed project is consistent with this policy to protect native trees and plant cover wherever possible, because no trees will be removed (except for a dead one), the area proposed for development and grazing is highly disturbed and contains mostly non-native annual grasslands instead of native perennial grasses, and several measures are required by the conditions of approval to protect the pine forest.

***Coastal Watersheds***

Policy 12: Agricultural Practices: The proposed project is consistent with this policy that agricultural practices shall minimize erosion and sedimentation, because the conditions of approval require several measures to minimize erosion and sedimentation and protect water quality, including the following: controlling the amount of grazing in the meadow to preserve vegetative cover and prevent soil compaction, maintaining a vegetated buffer around the paddock, preventing horses from going near the stream channel, importing

feed so that the meadow is not needed as the primary source of food, reinforcing the berm surface with gravel for vehicle access, regularly monitoring the berm to ensure that it remains intact for flood control purposes, and continually reinforcing the berm on an as-needed basis.

**Visual and Scenic Resources**

Policy 2, Site Selection for New Development: the proposed project is consistent with this policy because the proposed addition will not interfere with public views to the ocean.

**Archaeology**

Policy 1, Protection of Archaeological Resources and Policy 4, Preliminary Site Survey: the proposed project is consistent with these policies to protect known and potential archaeological resources, and to require a preliminary site survey. Central Coast Archaeology, a qualified professional consultant, conducted a Phase I Archaeological Surface Survey on January 17, 2006. The survey did not find evidence of cultural resources. The project is conditioned to protect archaeological resources in the event that they are unearthed or discovered during construction.

**Does the project meet applicable Coastal Plan Policies?** Yes, as conditioned.

**PLANNING AREA STANDARDS:**

**Residential Suburban #1: Limitation on Use**

The proposed project is consistent with this standard that permits all allowable uses shown in Coastal Table O in *Framework for Planning*, except for mobile home developments, because the proposed uses are included in the definition of "animal raising and keeping" and "agricultural accessory structures," which are allowable uses in the Residential Suburban land use category.

**COMMUNITY ADVISORY GROUP COMMENTS:**

The Land Use Committee of the North Coast Council reviewed the proposed project, and in a report dated January 18, 2006, recommended approval without comment.

**AGENCY REVIEW:**

*Public Works:* applicant is required to offer to dedicate a drainage easement adjacent to Village Lane at the location of an existing 24-inch culvert pipe

*Environmental Health:* rainwater is not adequate to serve restrooms or any occupied structures

*Cambria Community Services District:* no regulations that apply, but suggest checking with Regional Water Quality Control Board regarding water rights

*Regional Water Quality Control Board:* no comments submitted prior to preparation of this staff report

*California Coastal Commission:* no comments submitted prior to preparation of this staff report

**LEGAL LOT STATUS:**

At the time of preparation of this staff report, the legal status of the existing parcel has not been determined. In the event that the legality of this parcel cannot be verified, a certificate of compliance may be needed prior to issuance of a building permit.

Staff report prepared by Mike Wulkan.

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3 and 4) pursuant to CEQA Guidelines Sections 15303 and 15304, because the proposed project consists of the construction of limited numbers of new, small facilities or structures, including accessory structures, and because the proposed development and grazing involves minor alterations in the condition of the land and or vegetation, not involving removal of healthy, mature, scenic trees.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, because the proposed grazing and development of associated structures is included in the definition of "animal raising and keeping" and "agricultural accessory structures," which are allowable uses in the Residential Suburban land use category, and as conditioned, is consistent with all of the General Plan policies, including policies for environmentally sensitive habitats, coastal watersheds, visual and scenic resources, and archaeology.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use, because the proposed grazing and construction of associated structures does not generate activity that presents a potential threat to the surrounding property and buildings, and because the project design and conditions of approval of approval include several measures to minimize erosion and sedimentation and protect water quality. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development, because the proposed keeping of three horses and construction of small agricultural accessory structures on an approximately 3.85-acre parcel will not conflict with and will be separated by roads, large setbacks and/or topography from surrounding commercial and recreational development, adjacent existing single family development in the Residential Suburban land use category (at least 400 feet away), and potential future multi-family residential development on an adjacent parcel.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the proposed keeping of horses will generate minimal additional traffic.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.

*Sensitive Resource Area*

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the meadow is highly disturbed and not native to the pine forest ecosystem, the proposed development and grazing are considered to be outside of the area of the sensitive resource, no trees will be removed (except for a dead one), and several measures are included in the conditions of approval to protect the forest and water quality.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the project design avoids tree removal, limits the area of improvements and grazing to avoid sensitive vegetation, provides a wildlife corridor, and provides a setback from a small drainage through the property.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because no living trees will be removed and site disturbance will be minimal.
- K. The soil and subsoil conditions are suitable for any proposed excavation, and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because excavation will not be needed, and several measures are included in the project design and conditions of approval to limit erosion and sedimentation and protect water quality on the site and in downstream areas.

*Environmentally Sensitive Habitats*

- L. There will be no significant negative impact on the identified sensitive habitat, and the proposed use will be consistent with the biological continuance of the habitat, because the meadow is highly disturbed and not native to the pine forest ecosystem, the proposed development and grazing are considered to be outside of the area of the sensitive resource, no trees will be removed (except for a dead one), and several measures are included in the conditions of approval to protect the forest and water quality.
- M. The proposed use will not significantly disrupt the habitat, because, the meadow is highly disturbed and not native to the pine forest ecosystem, the proposed development and grazing are considered to be outside of the area of the sensitive resource, no trees will be removed (except for a dead one), and several measures are included in the conditions of approval to protect the forest and water quality.



## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes the following development
  - a. keeping of three horses on approximately 0.75 acres of an existing meadow, including a fenced, approximately 0.5-acre grazing area,
  - b. a partially covered, approximately 1,150 square-foot paddock
  - c. two 120 square-foot sheds for tack and feed
  - d. a 30-foot diameter, fenced riding round pen
  - e. a 400 square-foot covered compost area
  - f. a water well
  - g. a 5,000 gallon water tank
  - h. an approximately 50-foot long driveway
2. All agricultural accessory structures, including the hay shed and covered compost area, shall be located a minimum of 50 feet from the Village Lane right-of-way.
3. All animal enclosures, including fencing of the grazing area, shall set back a minimum of 25 feet from the front property line along Village Lane.
4. The driveway connecting to Village Lane shall be the minimum length needed to serve this project.
5. All development shall be consistent with the approved site plan.

### **Condition required to be completed at the time of application for construction permits**

#### ***Site Development***

6. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan.
7. **At the time of application for construction permits**, the applicant shall submit to the Planning and Building Department a pre-1966 deed conveying this parcel so that the Planning Director can verify the legality of this parcel. If the Planning Director cannot verify that this is a legal parcel, the applicant shall apply for and obtain approval of a certificate of compliance that legalizes this parcel.

### **Conditions required to be completed prior to establishment of the use and prior to application for a construction permit**

#### ***Site Development***

8. **Prior to establishment of the use and prior to application for a construction permit**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall show the proposed water tank relocated to a location on the meadow, further away from vegetation and the edge of the forest. Development shall be consistent with this revised and approved plan.
9. **Prior to establishment of the use and prior to application for a construction permit**, the applicant shall offer to dedicate a drainage easement to the satisfaction of the Public Works Department on an approximately 450 square-foot area located adjacent to Village Lane at an existing culvert pipe.

**Condition required to be completed prior to establishment of the use and prior to issuance of a construction permit**

***Tree Protection***

10. **Prior to establishment of the use and prior to issuance of a construction permit**, the applicant shall fence the two oak tree saplings in the meadow center to protect them from the horses and from deer browsing.

**Condition required to be completed prior to issuance of a construction permit and prior to connection of a driveway to Village Lane**

***Public Works***

11. **Prior to issuance of a construction permit and prior to connection of a driveway to Village Lane**, the applicant shall obtain an encroachment permit from the County Department of Public Works for the driveway. The berm in the Village Lane right-of-way shall be reinforced with gravel if required by the Department of Public Works.
12. **Prior to issuance of a construction permit and prior to connection of a driveway to Village Lane**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted to the County Department of Public Works for review and approval pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

**Condition to be completed prior to drilling a well**

***Environmental Health***

13. **Prior to drilling the well**, which is to be for agricultural purposes only (not for domestic use), the applicant shall obtain a permit from the Environmental Health Division, Public Health Department.

**Condition to be completed prior to final building inspection**

***Miscellaneous***

14. **Prior to final building inspection of any structure associated with this approval**, the applicant shall contact the County Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**Condition to be completed following establishment of the use**

***Miscellaneous***

15. **Immediately following establishment of the use**, the applicant shall contact the County Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

***Animal Raising and Keeping: Sanitation, Water Quality and Resource Protection***

16. All animal enclosures, including but not limited to pens and feed areas, shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.

17. In no case shall this use produce sedimentation or polluted runoff on any public road, adjoining property or drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement as set forth in Chapter 23.10 of the Coastal Zone Land Use Ordinance.
18. Manure shall either be removed from the site on a weekly basis or composted in the identified partially covered compost area on an impervious surface.
19. The applicant shall regularly monitor the condition of the berm along Village Lane at the driveway connection to this site to ensure that it remains intact for flood control purposes. The applicant shall reinforce the berm as needed, subject to approval by the County Department of Public Works.
20. In order to prevent horses from grazing on the hillsides and near the drainage course in the meadow, the applicant shall establish and maintain a 15-foot wide buffer between the fenced horse pasture, paddock and riding ring and the point where the steep slopes intersect the meadow on the northeastern side. The applicant shall also establish and maintain a 15-foot wide buffer between the horse pasture and the stream channel in the southern portion of the meadow. These buffers will prevent the horses from eating the trees and understory vegetation on the slopes, and will also preserve water quality in the stream channel and prevent erosion of the stream channel.
21. In the event that the forest ecotone advances into the meadow, the applicant shall relocate the fence for the horse pasture to maintain a minimum 15-foot wide buffer from the edge of forest vegetation.
22. Any diversion of the stream channel or changes to the bed or bank of the channel may require a Streambed Alteration Agreement from the Department of Fish and Game. The Department should be contacted prior to any work on the stream channel to determine if a permit is needed.
23. The applicant shall maintain a vegetation buffer around the paddock and compost area.
24. In order to reduce peak runoff and erosion, the applicant shall collect rainwater from the paddock roof and divert it to a storage tank.
25. The applicant shall manage grazing in the meadow to prevent excessive soil compaction and preserve vegetation.
26. In order to help protect the meadow grass and minimize erosion, the applicant shall import feed so that the meadow is not the primary source of food.
27. The applicant shall maintain a wildlife corridor across the meadow connecting the slopes on the northern and southern sides of the meadow.

***Animal Raising and Keeping: Noise***

28. Animal raising and keeping activities shall comply with the noise standards in Chapter 23.06 of the Coastal Zone Land Use Ordinance.

**General**

29. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
30. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

## **APPLICANT'S PROJECT DESCRIPTION**

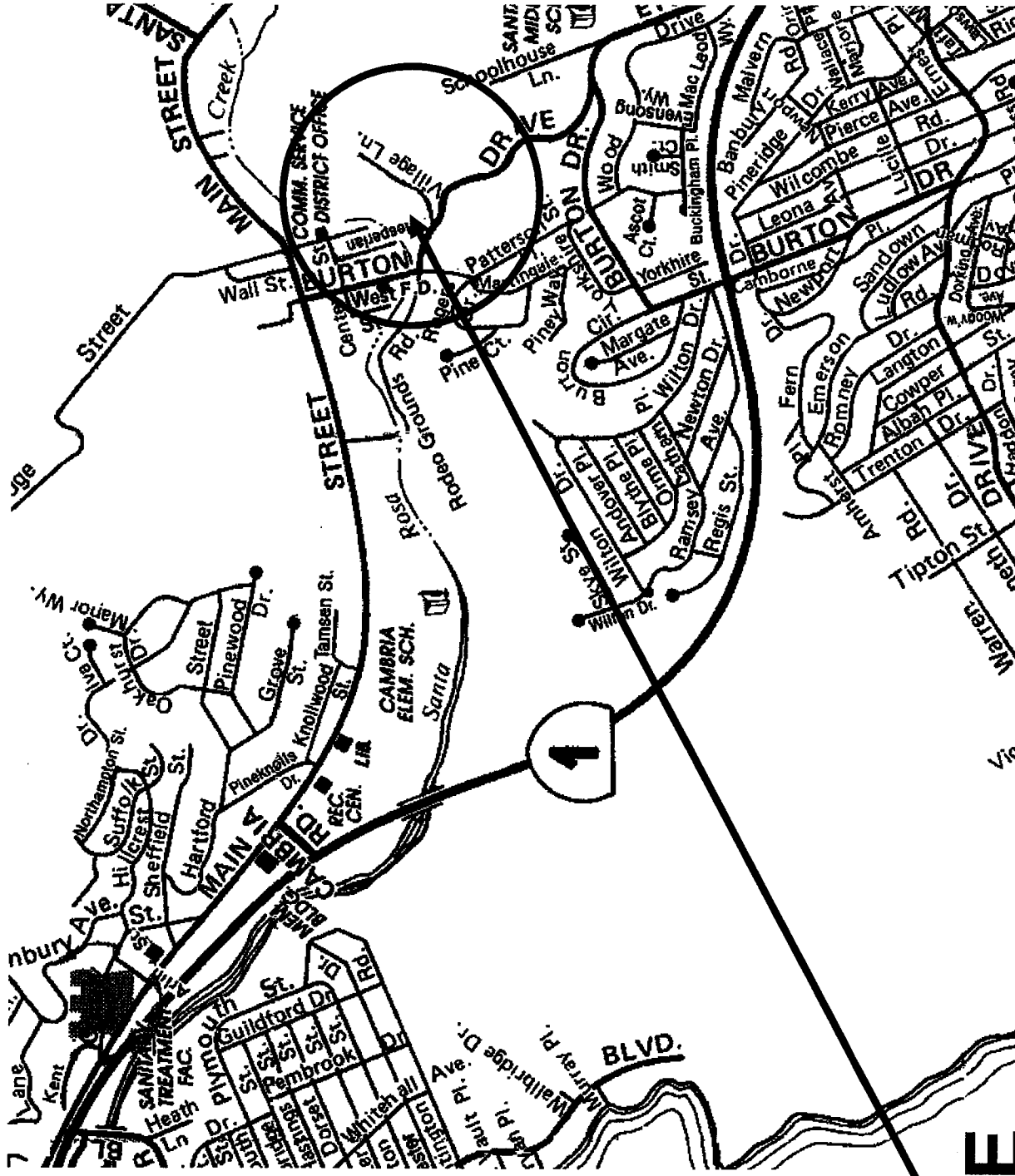
# **DiMaggio Plan for Village Lane Property**

## **Outbuildings and Associated Fencing**

- 24'x48' (50% covered) paddock
- 20'x20' covered compost area
- small riding ring
- two small (10'x12') sheds for feed and tack
- 5,000 gallon water tank
- fencing around two small saplings in the pasture
- fenced turnout area

## **Additional Notes**

- Wildlife corridor to be maintained across the meadow
- 15' vegetated buffer between turnout area and wooded slopes
- Horses will be prevented from grazing on wooded hillsides and near the stream
- Water will be collected from paddock roof to prevent runoff
- Grazing in meadow will be monitored to prevent compaction and to preserve vegetation
- Manure will be composted in a partially covered area
- Vegetation will be maintained in a buffer around paddock and compost area
- Feed will be imported to help protect the meadow grass and prevent erosion
- Driveway over berm will be minimal length needed, and will be reinforced with gravel to protect the berm
- DiMaggios are willing to move fencing if the forest ecotone advances



**SITE**

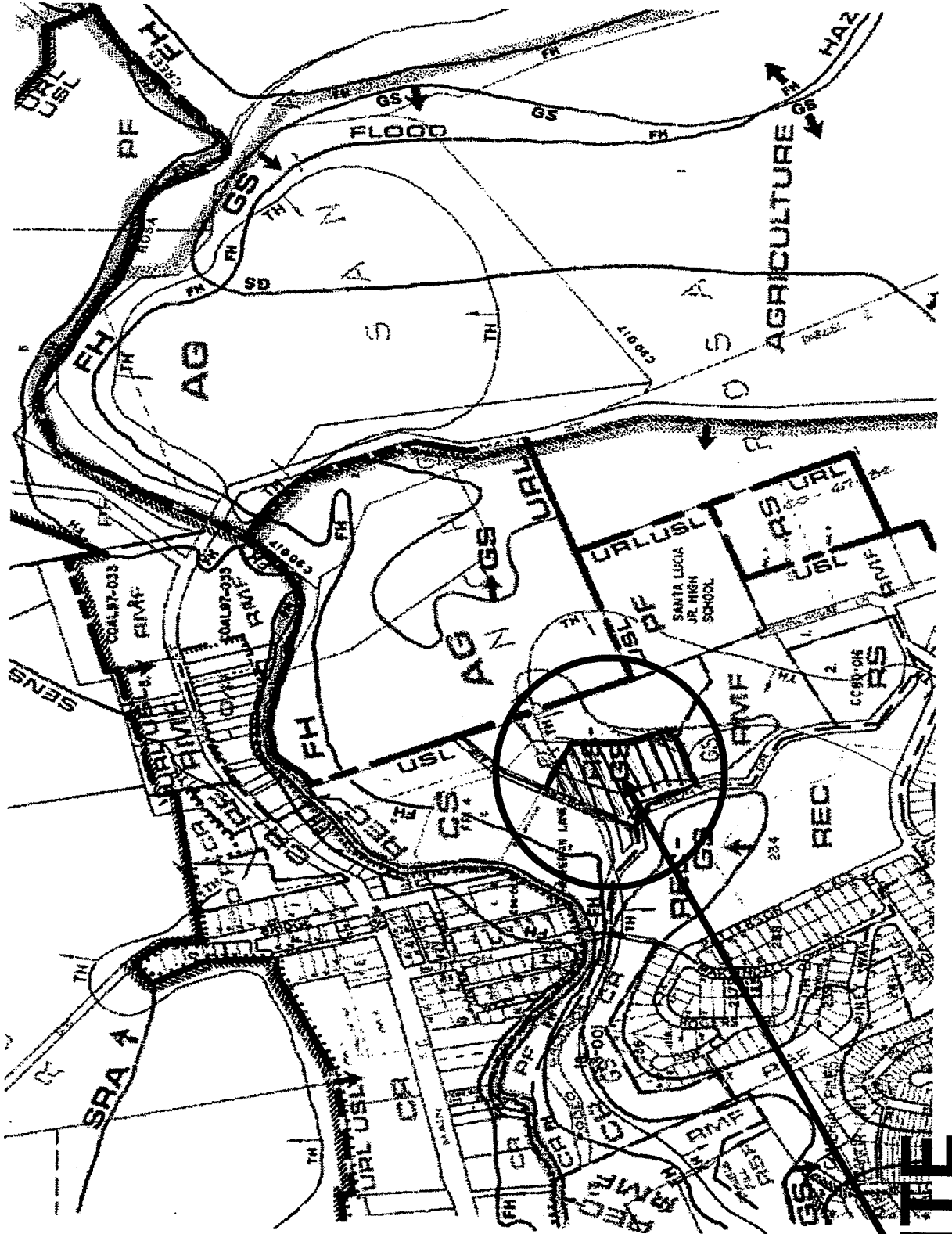
**PROJECT**

Minor Use Permit  
DiMaggio DRC2005-00094

**EXHIBIT**

Vicinity Map





**SITE**

PROJECT

Minor Use Permit

DiMaggio DRC2005-00094

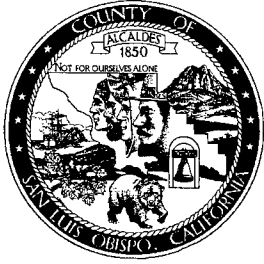
EXHIBIT

Land Use Category









SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PLANNING AND BUILDING**

VICTOR HOLANDA, AICP  
DIRECTOR

***Environmental and Resource Management Division***

September 7, 2005

**Subject:** DiMaggio Site Visit

On August 18, 2005, I conducted a site visit of the DiMaggio property on Village Lane in Cambria, California. Mark and Sally DiMaggio and a friend of the DiMaggios, who also was a biologist by training, were present. The DiMaggios propose to graze three horses on a relatively flat meadow approximately 0.75 acres in size, build two small sheds each less than 120 square feet in size for storage of tack and feed, build a partially-covered 1,150 square foot paddock, install a 5,000 gallon water tank, install a 30-foot diameter fenced riding round pen, fence in a 0.5-acre grazing area, build a short access driveway, and install a future agricultural well. The mapped Environmentally Sensitive Habitat Area (ESHA) - Terrestrial Habitat (TH) boundary includes all but the most northern corner of the parcel. The purpose of the site visit was to ascertain whether it was justifiable to administratively adjust the ESHA-TH line to exclude the meadow area and allow the DiMaggios to graze the meadow without first obtaining a Minor Use Permit from the County (pursuant to Coastal Zone Land Use Ordinance Section 23.01.041). A second issue requiring evaluation and resolution is the potential water quality impacts on Santa Rosa Creek from manure accumulation in the meadow.

The site is bordered on the north by Village Lane across from which is the Cambria Lumber Yard and the commercial area known as "Tin City." Beyond the lumber yard and Tin City to the north are Santa Rosa Creek and the East Village of Cambria. An earthen berm separates the meadow from Village Lane. The berm is approximately 2 feet high on the northeastern end and gradually increases in height to approximately 4 feet on the southwestern end. Apparently, the berm was installed by the County Public Works Department to prevent flooding of the commercial area in the mid to late 1990's (during an El Niño storm year). The site consists of a cleared meadow approximately 0.75 acres in size located in the northwest portion of the parcel that contains scattered horsetail plants and non-native annual grasses. Two small oak tree saplings are located in the center of the meadow. The meadow is bordered on the northeastern and southern sides by Monterey Pine Forest mixed with mature coast live oak trees and associated understory plants. The pine forest terminates rather abruptly at the base of a steep slope on the northeastern side of the meadow. Scattered pine tree seedlings grow along the slope with a variety of shrubs and berry vines. The meadow is bordered on the east by a steep bank that led to Burton Drive. The bank has a few scattered pine trees, but mostly consists of non-native plants such as pampas grass. The steep slope has obviously been disturbed in the past by the creation of Burton drive.

A small stream approximately 1 foot wide and 10 to 12 inches deep enters the rear of meadow and flows towards Village Lane along the base of the steep bank that parallels

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Burton Drive. Adjacent to Village Lane, there is an incised depression near a culvert that channels water underneath Village Lane and empties into Santa Rosa Creek to the north of the site. At the point where the stream enters the meadow, there is an increase in the number of horsetail plants, indicating moist conditions, but no riparian vegetation was evident.

Due to presence of horsetails, which indicate moist conditions, it appears that water may overflow the stream channel into the meadow. I did not conduct a wetland delineation of the project site; however, the predominance of upland species (i.e. annual grasses) indicates the site probably does not qualify as a wetland.

The DiMaggios expressed an interest in diverting and straightening the stream channel to improve its ability to channel water from the meadow. I cautioned them that such a diversion could require a Streambed Alteration Agreement from the Department of Fish and Game and that they should be contacted before any work begins.

After the site visit, it is my opinion that the ESHA-TH boundary could be moved from its current mapped location to exclude the meadow without detrimental effects such as fragmentation of or infringement upon the Monterey pine forest. The reasons for my determination are as follows:

1. In years past, the entire East Village of Cambria was probably native Monterey pine forest. It is unknown if the meadow was originally naturally occurring as part of forest, or if it was man-made by clearing the trees to create a pasture for grazing purposes. Nevertheless, aerial photographs indicate that the meadow has been in its current or similar condition for at least 56 years. Local residents relayed to the DiMaggios that the site was used for grazing dairy cows as early as 1949. The plant species within the meadow are markedly different from the surrounding pine forest species, as described above in the site description. As a result of the long-term grazing practices, the meadow contains mostly non-native annual grasslands instead of native perennial grasses. The meadow appears now to be highly disturbed from previous land practices, such as grazing and mowing, and does not appear to be a pristine meadow native to the pine forest ecosystem. In the absence of grazing, the Cambria Fire Department has required that the meadow be mowed every year to reduce the fire danger. This mowing of vegetation has contributed to the current state of the site, which appears disturbed and maintained.
2. Although the meadow is contiguous to forest on the eastern and southern sides, it is not completely surrounded by forest. As stated above, the western boundary of the meadow consists of steep cut slopes with a mixture of non-native plants bordered by Burton Drive, while the area to the north consists of the lumber yard, Tin City, and the East Village development. If Burton Drive, Tin City, or the East Village development to the north were not present, and the meadow were completely surrounded by forest habitat, my conclusions would probably be different.
3. With the exception of the two small oak trees in the center of the meadow, there is no other indication that the pine forest is extending into the meadow. There is a sharp demarcation between the eastern wooded slopes and the meadow.
4. The DiMaggios have indicated that they plan to implement the following measures to ensure protection of the surrounding pine forest:

- a. The entire meadow will not be fenced. Instead, only a portion of the meadow will be fenced, allowing a wildlife corridor to traverse the meadow.
- b. A buffer will be maintained between the grazing area and the wooded slopes and stream channel.
- c. The two small oak trees will be fenced to protect them from the horses and deer browsing.
- d. The DiMaggios are willing to move the fence if the forest advances into the meadow into the future.

5. The DiMaggios have indicated they plan to implement the following measures to protect water quality of Santa Rosa Creek:

- a. Horses will not be allowed on the hillsides.
- b. Water will be collected off the paddock roof and diverted to a storage tank to keep it clean.
- c. The amount of grazing in the meadow will be controlled to preserve vegetative cover and prevent soil compaction.
- d. Manure will be removed on a regular basis to an impervious, partially covered compost area. The DiMaggios are currently researching onsite composting methods.
- e. A vegetated buffer will be maintained around the paddock.
- f. The horses will not be allowed near the stream channel.
- g. Feed will be imported so that the meadow is not needed as the primary source of food.

Due to the lower height of the berm on the northeastern end, a vehicle could easily drive over the berm to access the site. If the Department of Public Works is concerned about future integrity of the berm to prevent flooding of the lumber yard and Tin City, the berm could be reinforced with gravel. The condition of the berm should be regularly monitored to ensure that it remains intact for flood control purposes.

### **Recommendations:**

It is my professional opinion that the ESHA-TH line can be administratively moved to outline the pine forest boundary to exclude the meadow (as shown in exhibit A), provided the following measures are implemented to minimize negative impacts to the pine forest and Santa Rosa Creek:

1. Establish a 15 foot buffer between the fenced horse pasture, paddock and riding ring from the point where the steep slopes intersect the meadow on the northeastern side, and establish a 15 foot buffer from the stream channel in the southern portion of the meadow. These buffers will prevent the horses from eating the trees and understory vegetation on the

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slopes, and will also preserve water quality in the stream channel and prevent erosion of the stream channel. Due to the small size and shallow depth of the stream channel, a 15-foot setback appears to be adequate.

2. Fence the two oak tree saplings in the meadow center to protect them from the horses and from deer browsing.

3. Either remove the manure from the site on a weekly basis or compost the manure onsite. If the compost option is selected, the compost area should be on an impervious surface or in a covered container located on the northeastern side of the property (near Village Lane) away from the stream channel.

4. Any diversion of the stream channel or changes to the bed or bank of the channel may require a Streambed Alteration Agreement from the Department of Fish and Game. The Department should be contacted prior to any work on the stream channel to determine if a permit is needed.

5. Implement the other preceding measures suggested by the DiMaggios to protect the pine forest and protect water quality.

6. Reinforce the berm surface with gravel for vehicle access and regularly monitor its condition to ensure that it remains intact for flood control purposes. Continually reinforce the berm on an as-needed basis.

In conclusion, it is my opinion that the use proposed for the site is relatively minor in scope. With the implementation of the measures described above, negative impacts to the integrity of the surrounding pine forest and the water quality of Santa Rosa Creek should be minimized.

Julie Eliason  
Environmental Resource Specialist

# Memo

**To:** Anne Wyatt, Chair  
**From:** Tom Christian  
**CC:** Shirley Bianchi  
**Date:** January 18, 2006  
**Re:** Project/Land Use Committee Report

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DRC2005-00103: Request for third time extension of Minor Use Permit

Project is located at intersection of Green, Ardath and Londonderry. Applicant is requesting an extension of his permit. Project is a 33 bed senior care facility. Recommendation: Project/Land Use Committee refer the matter to the NCAC Committee for public comment and recommendation to Board of Supervisors.

 DRC2005-00094: Minor Use Permit Agriculture Accessories

Project is located on 3.85 ac on east side of Burton Dr. and Village Lane. Applicant wishes to keep 3 horses on approximately .75 ac. meadow. A 1150 s.f. paddock, two 120 s.f. sheds and a 5,000 gallon water tank is also included. Recommendation: Approval.

DRC2005-00117: Construct new garage and guest house above, addition to residence

Project is located at 2191 Wilcombe Dr. on a 8.858 s.f. lot. Project will add a 880 s.f. detached garage with a 474 s.f. guesthouse upstairs. In addition, project includes an additional bath, bedroom and laundry (255 s.f.) to existing 1220 s.f. SFD. Recommendation: TDC'S required. Recommend approval.

DRC2005-00115: Addition to existing residence and addition of garage

Project is located at 1101 Ardath on approx. 30,000 s.f. lot. Applicant wishes to add 1044 s.f. living quarters to an existing 815 s.f. SFD and add a 676 s.f. detached garage on the existing driveway. Recommendation: No comment

DRC2005-00116: Room Addition

Project is located at 2334 Wilcombe on a 8750 s.f. lot. Applicant wants to add 455 s.f. to existing 939 s.f. SFD. Recommendation: No comment

DRC2005-00098: New SFR

New 5571 s.f. SFR on 26.42 ac. located on Kathryn plus 1362 s.f. guesthouse, garage and horse stalls. Recommendation: No comment



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/1/05

TO: PW

FROM: ☐ - South County Team ☐ - North County Team ☒ - Coastal Team

mike Wulkan

PROJECT DESCRIPTION: File Number: DRC2005-00094 Applicant: Dimaggio  
mup -> Ab accessory structures . 3.85 acres  
located off Village Ln. Cambria. 013-151-041.

Return this letter with your comments attached no later than: 12/16/05

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

offer to dedicate drainage easement ~~as~~ provided, applicant to  
record and return TO us prior to completion of MUP).

12-30-5  
Date

Tim Tomlinson  
Name

5271  
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us) • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

RECORDING REQUESTED BY:  
County Public Works

**IRREVOCABLE & PERPETUAL  
OFFER TO DEDICATE**

APN: 13-151-41

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**THIS OFFER TO DEDICATE**, made the \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_, by **Mark P. Dimaggio and Sally L. L. Dimaggio, Trustees of the Mark P. DiMaggio and Sally L.S. DiMaggio Living Trust**, of the County of San Luis Obispo, State of California, hereinafter termed OFFEROR:

**WHEREAS**, said Offeror desires to make an offer to dedicate, irrevocable, to the public, an easement for drainage and related purposes , which offer may be accepted at any time by any government entity which has the power to establish, construct and maintain drainage facilities.

**NOW, THEREFORE**, said Offeror covenants and promises as follows:

1. That said Offeror is the owner of the following interest described below:

that real property in the Town of Cambria, County of San Luis Obispo, State of California, described in a deed to DiMaggio Living Trust recorded January 26, 2005 as Instrument No. 2005-006470 of Official Records, in the County Recorder's Office, in the County of San Luis Obispo, State of California.

2. That said Offeror does hereby irrevocably and in perpetuity offer to such governmental entity a dedication of a public right-of-way for drainage and related purposes and incidental uses upon the following described property:

as described on the attached "Exhibit A" and shown on a map, "Exhibit B", each attached hereto and made a part hereof



3. That said Offeror agrees that said offer of dedication shall be irrevocable and that such a government entity may, at any time in the future, accept said offer of dedication of the drainage easement.

4. That said Offeror agrees that this irrevocable and perpetual Offer to Dedicate is and shall be binding on his heirs, legatees, successors and assignees.

**IN WITNESS WHEREOF**, this Offer to Dedicate is hereby executed by the said Offeror on the day and year first above written.

Mark P. DiMaggio and Sally L.S. DiMaggio Living Trust

By: \_\_\_\_\_  
**Mark P. Dimaggio, as Trustee**

By: \_\_\_\_\_  
**Sally L.S. Dimaggio, as Trustee**

(NOTARIAL)

All that portion of Lot 4 of H.C. Ward's Subdivision of Santa Rosa Rancho as filed at Book A, Page 69 of Maps in the Office of the County Recorder of San Luis Obispo County, State of California, described in the Deed recorded January 26, 2005 as document number 2005-006470 in said County Recorder's Office, being more particularly described as follows;

Commencing at the northerly terminus of the course described as "North 61°41' West, 267.88 feet" in said deed,

Thence South 26°08'00" West, 273.00 feet,

Thence South 63°52'00" East, 15.00 feet to the True Point of Beginning;

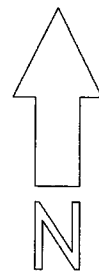
Thence continuing South 63°52'00" East, 15.00 feet,

Thence South 26°08'00" West, 30.00 feet,

Thence North 63°52'00" West, 15.00 feet,

Thence North 26°08'00" East, 30.00 feet to the point of beginning.

**EXHIBIT A**



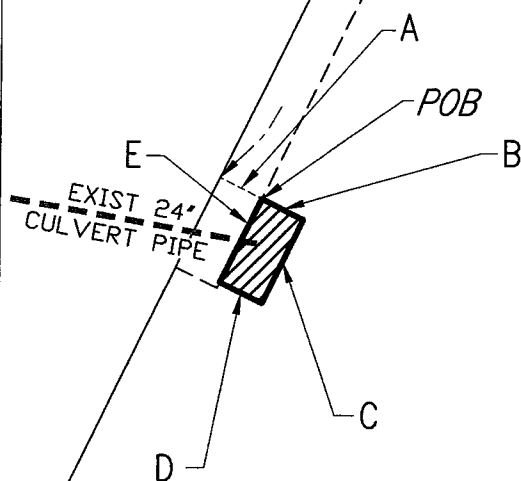
0 30ft 60ft

N 61°41' W  
267.88'

EXIST. 15' ROAD RIGHT OF WAY

S 26°08' W  
273.00'

PTN LT 4  
A MB 69



A = S 63°52' E 15.00'

B = S 63°52' E 15.00'

C = S 26°08' W 30.00'

D = N 63°52' W 15.00'

E = N 26°08' E 30.00'

2005-006470



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

RECEIVED

DEC 21 2005

Planning & Bldg

DATE: 12/1/05

TO: Bldg. Div.

FROM: ☐ - South County Team ☐ - North County Team ☒ - Coastal Team

mike wulkan

PROJECT DESCRIPTION: File Number: DRC2005-00094 Applicant: Dimaggio  
mup -> Ab accessory structures. 3.85 acres  
located off Village Ln. Cambria. 013-151-041.

Return this letter with your comments attached no later than: 12/16/05

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Environmental Health's concerns would be the use of the accessory structures.  
If occupied a restroom will be in structure then rainwater would  
not suffice.

12/16/05  
Date

Lauri Salo  
Name

781-5551  
Phone



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

## THIS IS A NEW PROJECT REFERRAL

DATE: 12/1/05

TO: CCSD - S&W

FROM: ☐ - South County Team ☐ - North County Team ☒ - Coastal Team

Mike Wulkan

PROJECT DESCRIPTION: File Number: DRC2005-00094 Applicant: Dimaggio  
MUP - Ab accessory structures 3.85 acres  
located off Village Ln. Cambria. 013-151-041.

Return this letter with your comments attached no later than: 12/16/05

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

We don't have any regulations on this, but do  
suggest checking w/ Regional Water Quality Control Board regarding  
water rights.

Date 12/22/05

Name Cori Repas

Phone 927-6225